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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 MARILYN EDITH JOHANSEN,

12 Plaintiff,

13 vs.

14 SAN DIEGO POLICE DEPT., CITY OF  
15 SAN DIEGO, COUNTY OF SAN DIEGO,  
STATE OF CALIFORNIA, and DOES 1  
through 1000,

16 Defendants.  
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CASE NO. 07cv1601-LAB (LSP)

**ORDER OF DISMISSAL**

18 On August 13, 2007, Plaintiff, proceeding *pro se*, filed her complaint in this action,  
19 along with a motion for leave to proceed *in forma pauperis*. On August 20, 2007, the Court  
20 granted the motion to proceed *in forma pauperis* and, pursuant to the screening requirement  
21 of 28 U.S.C. § 1915(e)(2)(B), dismissed the complaint. The Court dismissed certain claims  
22 with prejudice and the remaining claims without prejudice, granting her 30 days to amend  
23 her complaint to correct the defects noted in the claims dismissed without prejudice.

24 On September 18, 2007, shortly before the 30 days was to expire, Plaintiff moved *ex*  
25 *parte* for an indefinite extension of time in which to amend her complaint, contending she  
26 was disabled and therefore needed more time to amend her complaint and to find an  
27 attorney willing to represent her. Plaintiff also mentioned a complaint she had filed with the  
28 Ninth Circuit. On October 1, 2007, the Court in part granted her *ex parte* motion, giving her

1 leave to amend her complaint no later than November 1, 2007. In this order, the Court noted  
2 it found no reason to grant an indefinite continuance on the basis of the complaint, and  
3 instead was relying solely on her representations of disability to grant the extension. The  
4 Court admonished Plaintiff that further extensions of time would not be granted without a  
5 showing of good cause, including evidence of diligence on her part.

6 On October 31, 2007, Plaintiff again sought an extension of time in which to amend  
7 her complaint. She included evidence she had contacted a number of attorneys, and stated  
8 she had exhausted all known possibilities of obtaining counsel to represent her. This was  
9 the last pleading filed by Plaintiff.

10 On November 1, the Court issued an order noting that Plaintiff's representations  
11 regarding the impossibility of obtaining counsel meant it was apparent Plaintiff would have  
12 to proceed *pro se*. The Court also noted Plaintiff had never explained the nature of  
13 disability, so it was unclear to what extent her disability might limit her ability to represent  
14 herself. The Court noted, however, it was clear Plaintiff had been disabled for a number of  
15 years, and that her disability had not prevented her from filing her 7-page single-spaced  
16 complaint. The Court also noted most of Plaintiff's claims were apparently time-barred,  
17 some dating back to 1995, and the most recent occurring in December of 2006. Therefore,  
18 the Court concluded, Plaintiff had had a great deal of time to consider the nature of her  
19 claims. The Court directed Plaintiff, if she wished to rely on her disability as a basis for  
20 additional extensions, she should file a declaration stating the nature of her limitations and  
21 why they prevented her from representing herself. The Court also pointed out it had  
22 explained why Plaintiff's claims were being dismissed.

23 On the basis of Plaintiff's representation of diligence in seeking counsel, the Court  
24 granted Plaintiff an additional extension of time until November 30, 2007. The Court  
25 admonished her no further extensions would be granted without a showing of extraordinarily  
26 good cause.

27 On November 30, rather than filing her amended complaint or moving for an  
28 additional extension of time, Plaintiff contacted the Court telephonically, stating she was ill

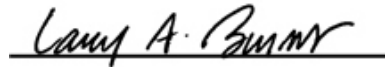
1 with influenza, and therefore could not file her amended complaint by the deadline. Plaintiff  
2 was informed an additional extension would only be granted if she requested it by motion,  
3 and she was directed to file an application for an additional extension of time.

4 Plaintiff filed no request for an additional extension. On December 10, the Court  
5 ordered Plaintiff, if she wished to seek an extension, to file an application no later than  
6 December 16, 2007. The Court specifically cautioned Plaintiff that if she did not show good  
7 cause why she should be given additional time to amend her complaint, it would be  
8 dismissed without further notice to her. On December 12, 2007, the Court amended this  
9 order to permit Plaintiff to file her application for extension of time no later than the close of  
10 business on December 17, 2007.

11 Plaintiff has had more than sufficient notice of the facts she needs to amend her  
12 complaint or seek an extension of time in which to amend. To date, however, she has  
13 neither filed an amended complaint nor sought an additional extension of time as ordered.  
14 This action is therefore **DISMISSED WITHOUT PREJUDICE**.

15 **IT IS SO ORDERED.**

16 DATED: December 18, 2007

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18 **HONORABLE LARRY ALAN BURNS**  
19 United States District Judge  
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